

REMARKS**Summary of the Office Action**

Claims 1, 5, 6, 12, 19, 22, 25, 27, 28 and 30 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 25 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto (EP 938,091) (hereinafter “Hashimoto”).

Summary of the Response to the Office Action

Applicants have amended claims 1, 5, 12, 19, 22, 25 and 28 to differently describe embodiments of the disclosure of the instant application’s specification and/or to improve the form of the claims. Claims 6, 7, 13, 14, 27 and 30 have been canceled without prejudice or disclaimer. Accordingly, claims 1-3, 5, 12, 19, 22, 25, and 28 remain pending for consideration.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 1, 5, 6, 12, 19, 22, 25, 27, 28 and 30 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 6, 27 and 30 have been canceled without prejudice or disclaimer, rendering the rejections of these claims moot.

Accordingly, Applicants have amended claim 1, as well as claims 5, 12, 19, 22, 25 and 28 in response to the Examiner’s comments at page 3 of the Office Action with regard to these rejections.

For example, as to item 7 at page 3 of the Office Action, Applicants have replaced "with that included in a selected condition" in claims 1, 5, 12, 19, 22, 25 and 28 with --with a selected condition-- in accordance with the Examiner’s helpful suggestions.

Also, as to items 8 and 9 at page 3 of the Office Action, Applicants have amended the descramble system applying step recited in claim 1 as follows:

a descramble system applying step of applying descramble systems to the inputted information signal, the descramble systems including a plurality kinds of descramble systems in the recording process and the reproducing process. Applicants note that "recording process" and "reproducing process" are described at line 3 of independent claim 1.

In addition, as to item 10 at page 3 of the Office Action, Applicants have amended the "wherein" clause regarding the descramble system recited in claim 1 as follows:

wherein in the recording process and the reproducing process, the descramble system applying step applies one type of the descramble system to ~~a scramble system~~ of the information signal with the second copy control information and applies ~~the other types of the descramble systems to~~ ~~scramble systems of~~ the information signal with the first copy control information.

As to item 11 at page 3 of the Office Action, Applicants have amended the "wherein" clause regarding the scramble system applying step in the reproducing process as follows:

wherein in the reproducing process, the scramble system applying step applies ~~two three~~ different kinds of scramble systems to the information with the first copy control information ~~recorded on the recording medium, and to~~ the information with the second copy control information ~~recorded on the recording medium, and to the information signal with the first copy control information outputted from a receiving apparatus~~. Claims 19 and 22 have been amended similarly.

As to item 12 at page 3 of the Office Action, Applicants have amended the descramble system applying step recited in claim 1 as follows:

a descramble system applying step of applying descramble systems to the inputted information signal, the descramble systems including a plurality of kinds of descramble systems in the recording process and the reproducing process. In addition, Applicants have deleted the term "the" from "the other types of the descramble systems" described in "wherein" clause regarding the descramble system applying step recited in claim 1 as follows:

wherein in the recording process and the reproducing process, the descramble system applying step applies one type of the descramble system to ~~a scramble system~~ of the information signal with the second copy control information and applies ~~the other types of the descramble systems to~~ ~~scramble systems~~ of the information signal with the first copy control information.

Claims 5, 12, 19, 22 have been amended similarly.

As to item 13 at page 4 of the Office Action, Applicants have canceled claims 6, 13, 27, and 30 without prejudice or disclaimer.

Applicants respectfully submit that the remaining claims, as newly-amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejection under 35 U.S.C. § 102(b)

Claims 25 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto. Applicants have amended claims 25 and 28 to differently describe embodiments of the disclosure of the instant application's specification. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that Hashimoto merely discloses a forbidding reproducing step of forbidding reproducing the read information signal when a combination of the discriminated type of the scramble system and the discriminated type of the copy control information does not coincide with a selected condition.

However, Applicants respectfully submit that Hashimoto does not teach, or even suggest, that the scramble system applied to the information signal with the first copy control information is different from a scramble system which is applied to the information signal with the second copy control information. In this context, Applicants respectfully submit that the first copy control information indicates permission to copy the information signal only once, and the second copy control information indicates prohibition of copying the information signal after the information signal is copied once.

Applicants have opted to amend each of independent claims 25 and 28 to describe these particular features of embodiments of the disclosure of the instant application. Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Hashimoto does not teach, or even suggest, each feature of independent claims 25 and 28 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the timely allowance of this application. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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